

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

PHILIP E POOR,

No. C12-02206 LB

Plaintiff,

v.

**ORDER REGARDING
DEFENDANTS' SEPTEMBER 23, 2013
DISCOVERY LETTER BRIEF**

MARIO BANA, et al.,

[Re: ECF No. 45]

Defendants.
_____ /

On September 20, 2013, pursuant to the court's order at the last case management conference, Plaintiff filed his discovery plan. *See* ECF No. 44. Defendants object to it on the grounds that it is disproportionate to the litigation and duplicative of discovery already taken in the case of *Garcia v. Bana*, No. C11-02407 LB, in which the parties' counsel both participated. They also note that fact discovery is closed (although the court's previous expressed position was that it would extend discovery deadlines by stipulation of the parties and as necessary to keep costs down). That being said, ordinarily parties must show good cause for failure to comply with discovery deadlines to warrant an extension of them. *See* N.D. Cal. Civ. L.R. 37-3.

To address the issues, the court orders the following procedure. The court's discovery procedures require an in-person meeting and a joint discovery letter brief. *See* ECF No. 2-1 (standing order). Under the circumstances, and given how the litigation has gone so far, the court directs the completion of a discovery chart. Mr. Wang must email his version in word-processible format to Mr. Paetkau by 12:00 p.m. on Friday, October 4, 2013. If he does not, fact discovery will

be deemed closed. *See* Case Management Order, ECF No. 24 at 2 (setting forth deadlines, including a fact discovery cut-off of April 5, 2013). Mr. Paetkau then will respond in his portion of the chart and email a word-processible version back to Mr. Wang by 12:00 p.m. on October 10, 2013, e-file a copy on ECF, and email a word-processible version to the court's orders box at lbpo@cand.uscourts.gov. Mr. Wang then has until 12:00 p.m. on Tuesday, October 14, 2013 to add in a response at the bottom of his column. He then must e-file it on ECF and email a word-processible version to the court's orders box at lbpo@cand.uscourts.gov.

The chart should have these categories. The parties' initial positions are limited to 250 words per category, and each party's position should include its compromise (e.g., a one-hour deposition). Any response by Mr. Wang is limited to 50 words. For depositions, Plaintiff should name the witness, summarize the expected testimony, provide a basis for saying why the expected testimony differs from that in the prior depositions or at trial (as called out by Mr. Paetkau in his letter), and propose appropriate time limits. (This does not mean that the court will order depositions but is meant to promote a realistic assessment of what is achievable and how much time it will take.) For documents, Plaintiff must propound specific document requests and attach them or provide the date by which he will do it. If the discovery is third-party discovery, Plaintiff must say so and identify the time period by which he will serve the requests. For interrogatories, Plaintiff must propound them, attach them, or provide the date by which he will do it.

The court then will review the chart and determine the appropriate next steps.

Issue 1: Site Inspection

Plaintiff

Defendants

Position:

Position:

Response:

Issue 2: Documents: Bookkeeper, EDD, and worker's compensation insurance carrier

Plaintiff

Defendants

1	Position:	Position:
2		
3	Response:	
4	Issue 3: Documents from Ideal RV re Poor and other employees	
5	Plaintiff	Defendants
6	Position:	Position:
7		
8	Response:	
9		
10	Issue 4: Interrogatories	
11	Plaintiff	Defendants
12	Position:	Position:
13		
14	Response:	
15	Issue 5: Depositions	
16	Plaintiff	Defendants
17	Mr. Bana	Position:
18	Position:	
19	Response:	
20	Ms. Bana	Position
21	Position:	
22		
23	Response:	
24	Current Worker 1	Position:
25	Position:	
26		
27	Response:	
28		

1	Current Worker 2	Position:
2	Position:	
3		
4	Response:	
5	Former Worker 1	Position:
6	Position:	
7		
8	Response:	
9	Former Worker 2	Position:
10	Position:	
11		
12	Response:	
13	Former Worker 3	Position:
14	Position:	
15		
16	Response:	
17	Former Worker 4	Position:
18	Position:	
19		
20	Response:	
21	Former Worker 5	Position:
22	Position:	
23		
24	Response:	
25	Former Worker 6	Position:
26	Position:	
27		
28	Response:	

1	Neighbor 1	Position:
2	Position:	
3		
4	Response:	
5	Neighbor 2	Position:
6	Position:	
7		
8	Response:	

9 This disposes of ECF No. 45.

10 **IT IS SO ORDERED.**

11 Dated: September 25, 2013

12
13 LAUREL BEELER
United States Magistrate Judge